

**CITY OF HORSESHOE BAY, TEXAS**

**ORDINANCE NO. ORD 07-12-11A**

**EXTENSION OF  
TEMPORARY MORATORIUM ON NEW CONSTRUCTION  
ZONES 13 & 14**

**AN ORDINANCE OF THE CITY OF HORSESHOE BAY, TEXAS, EXTENDING THE TEMPORARY MORATORIUM SOLELY FOR ZONES 13 AND 14, SAVE AND EXCEPT FOR MARINA VILLAGE AND THE CCC TRACT, WITHIN THE CITY LIMITS, SUCH MORATORIUM HAVING BEEN FIRST ADOPTED ON APRIL 27, 2006 BY ORDINANCE NO. ORD 06-04-27 AND SUBSEQUENTLY EXTENDED, WHICH PROVIDES FOR THE TEMPORARY SUSPENSION OF THE ACCEPTANCE, REVIEW AND APPROVAL OF SUBDIVISION PLATS, PLAT AMENDMENTS, REPLATS, SITE DEVELOPMENT PERMITS, AND REZONING REQUESTS FOR NEW CONSTRUCTION THEREIN FOR COMMERCIAL, RESORT, RECREATIONAL OR RESIDENTIAL PURPOSES; MAKING FINDINGS OF FACT, AND PROVIDING FOR SEVERABILITY; EFFECTIVE DATE; DURATION; ENFORCEMENT, INCLUDING CRIMINAL FINES AND CIVIL PENALTIES;**

**WHEREAS,** by Ordinance No. ORD 06-04-27, adopted on April 27, 2006, the City Council established a temporary moratorium on the acceptance, review and approval of subdivision plats, plat amendments, replats, site development permits, and rezoning requests for new construction therein in order to protect the *status quo* in Zones 13 & 14; and

**WHEREAS,** said temporary moratorium was the subject of a public hearing on August 22, 2006, and was extended until December 27, 2006 by Ordinance No. ORD 06-08-22C; and

**WHEREAS,** said temporary moratorium was the subject of a public hearing on December 12, 2006, and was extended until April 26, 2007 by Ordinance No. ORD 06-12-12F; and

**WHEREAS,** said temporary moratorium was the subject of a public hearing on April 17, 2007, and was extended until August 24, 2007 by Ordinance No. ORD 07-04-17A; and

**WHEREAS,** said temporary moratorium was the subject of a public hearing on August 13, 2007, and was extended until December 11, 2007 by Ordinance No. ORD 07-08-13; and

**WHEREAS,** two tracts of land known respectively as “Marina Village” ( 4.42 acres) and “Tract CCC” (3.19 acres) heretofore subject to the moratorium have been zoned and removed from the moratorium; and

**WHEREAS,** the owners of Zones 13 and 14 consent to an additional extension of the temporary moratorium; and

**WHEREAS,** a public hearing was held on December 11, 2007 to consider whether such temporary moratorium should be extended, after which the City Council voted to extend the temporary moratorium until April 10, 2008;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS:**

### **I. FINDINGS OF FACT**

The foregoing findings of fact are hereby approved and incorporated herein for all purposes.

Further, the City Council finds that:

(a) Zones 13 and 14, being the Cap Rock Zone and the HSB Boulevard Corridor Zone, respectively, are unique zones within the City, being commonly referred to as the “Resort,” being areas around which the community and City of Horseshoe Bay were founded, and being areas which the citizens of Horseshoe Bay hope to see develop in the same high quality manner as they have heretofore developed;

(b) Zones 13 and 14 are not subject to the restrictive covenants of any existing subdivision whereas the majority of the other zones within the City are subject to such restrictions, creating a perception that fewer safeguards exist to protect the high quality of development within those zones. The owners of Zone 13 and 14 and the City have agreed since the inception of the temporary moratorium, and continue to agree that a Master Plan for the Zones is the best method to ensure quality of development;

(c) Zone 13, the Cap Rock Zone, is an unimproved property near the Caprock Clubhouse, and a multi-family project is being considered for this property. Zone 14, the HSB Boulevard Corridor Zone, contains Club and Resort facilities, the Marriott Hotel, and other improvements and substantial property that is unimproved or may be redeveloped. However, the plans for development in both Zones are still under development and have not been finalized. The owners of the property in Zones 13 and 14 have assured the City that a Master Plan for development will be presented to the Council before March 10, 2008;

(d) Since enactment of the temporary moratorium the City Council has adopted a zoning ordinance, a building permit ordinance and a subdivision ordinance that applies to the entirety of the City. The City Council is prepared to enact a Zoning Amendment at this time for Zones 13 and 14, but in reliance on the property owner’s request that the City wait for the Master Plan, the Council is willing to postpone such action at this time;

(e) Representatives of the City Council have met and will continue to meet with principal developers and land owners in Zones 13 and 14 to engage in discussions that may lead to

development under a Master Plan acceptable to the City and the developers, which may include establishment of one or more Planned Development Districts, but developers and land owners need additional time to complete the Master Plan and present it to the City, so that the developers and owners of Zones 13 and 14 consent to an additional extension of the temporary moratorium to apply to all of said zones except that contained in Marina Village and Tract "CCC"; and

(f) Additional time is needed and the temporary moratorium should be extended to allow the City Council time to both develop further suitable land use regulations and to work with the principal developers and land owners in Zones 13 and 14 in order to ensure that the development in Zones 13 and 14 fulfills the goals of such developers and land owners and is in the interest of the City.

## **II. EXTENSION OF MORATORIUM**

The temporary moratorium is hereby extended for an additional 120 days from December 11, 2007, or until April 10, 2008 as to all land heretofore covered by the Moratorium other than Marina Village and Tract "CCC".

## **III. SEVERABILITY**

The phrases, sentences, paragraphs and sections of this Ordinance are severable. If any phrase, sentence, paragraph or section of this Ordinance is declared unconstitutional or ineffective, such unconstitutionality or ineffectiveness shall not affect the remaining phrases, sentences, paragraphs or sections of this Ordinance and the remainder of this Ordinance shall be enforced as written.

**ADOPTED AND APPROVED** on this, the 11<sup>th</sup> day of December, 2007 by the City Council of the City of Horseshoe Bay, Texas.

**CITY OF HORSESHOE BAY, TEXAS**

/S/

**Robert W. Lambert, Mayor**

**ATTEST:**

/S/

**Toni Vanderburg, City Secretary**